

REMARKS

This amendment is submitted in response to the Office Action dated April 19, 2006. The amendments are presented in light of arguments presented by the Examiner and, therefore, reconsideration and allowance of the claims as presently amended is respectfully requested. The claims in the application have been amended in response to the arguments of the Examiner and applicant earnestly submits that they are now ready for allowance.

The Examiner had noted that the term “block member” had not been defined in the claims. Independent claims 8 and 14, as presently amended, define a block member, using its conventional definition at the time of the invention to be “a solid piece of material in the form of a generally flat-sided parallelepiped having a top planar surface with a yoke extending upward from the top planar surface”. Neither the Petrie ‘505 patent nor the Lovell ‘374 patent meets the definition of “block member”. The Petrie ‘505 patent teaches the plurality of leg members being inserted into tubular segment 11. A tubular segment cannot be a generally flat-sided parallelepiped. Likewise, Fig. 4 of the Lovell ‘374 patent shows that the head member 76 is not a generally flat parallelepiped but is annular.

In order to avoid the use of hindsight in making a determination of obviousness, the law requires some teaching, suggestion or reason to combine references. Given the different purposes of the inventions of the Petrie ‘505 patent and the Lovell ‘374 patent. Neither reference provides a motivation to combine the references. The Petrie ‘505 patent is a collapsible stand used by a plumber for temporarily supporting a pipe. Pole members 15 support a first tube 11 to keep the tube 11 perpendicular to the floor. This better supports the work piece. This renders the collapsible stand of the Petrie ‘505 patent unusable for impeding entry into the room because if the yoke engages the door knob shaft, two of the leg members must be lifted off the floor. While the Lovell ‘374 patent is capable of leaning against a door, it only teaches using a single pole member. As shown in Fig. 3, the pole member is multipurpose so that it can be used in a sliding glass door setting as well. The Lovell ‘374 patent teaches only a single pole member, and does not provide any teaching or suggestion of the usefulness of the additional pole

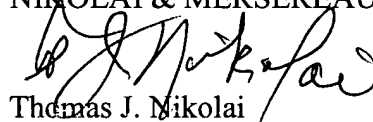
members. The present invention is superior to the Lovell '374 patent because a stronger intruder can put a great deal of stress on a single bar to overcome the resistance provided by a brace having only one pole member.

Likewise, it is inappropriate to combine the teachings of the Barrows '105 patent with either the Lovell or Petrie patents. The Barrows '105 patent teaches an annular cap 14 secured to a plurality of pole members 23 and 24 by introducing the pole members into the circular apertures 21 into a bottom surface of the cap. However, the cap member 14 is clearly an annular cap and therefore is not a generally flat-sided parallelepiped. The invention disclosed in the Barrows '105 patent is designed to hold up a rail car and therefore would not be useful for blocking forced entry into a room through a door. This shows that there is no motivation in the Barrows '105 patent to combine it with the teachings of either the Lovell '374 patent or the Petrie '505 patent. Because the block member of the present invention is a parallelepiped, the force is distributed evenly along the length of the parallelepiped, thus preventing an intruder from overcoming the resistance provided by all three pole members and their block member.

Since the independent claims 8 and 14 are novel and non-obvious, the dependent claims are also allowable. Therefore independent claims 8 and 14, as well as dependent claims 9-13 and 15-18 in the application are in a condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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